

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

ADJUSTACAM LLC

*Plaintiff*

v.

Case No. 6:10-cv-329-LED

AMAZON.COM, INC., et al.

*Defendants*

DECLARATION OF WALTER BRATIC IN SUPPORT OF PLAINTIFF'S RESPONSE IN  
OPPOSITION TO THE DEFENDANTS' MOTION TO SEVER AND STAY

My name is Walter Bratic. I am a Managing Director of OverMont Consulting, LLC. I am a Certified Public Accountant in the State of Texas since 1981. I also hold the designation of Certified Licensing Professional, a certification promulgated by the Licensing Executives Society of the United States and Canada. I received this certification in recognition of my many years of real world patent (and intellectual property) licensing activities. In addition, I have served as a patent damages expert in numerous proceedings in this court and elsewhere throughout the United States. A copy of my curriculum vitae is attached.

It is my understanding the there are certain Defendants who state that they are manufacturers or central distributors of the accused webcam products (collectively the "Manufacturer Defendants"), and certain Defendants who are resellers (the "Reseller Defendants"), who purchase the accused webcam products down the distribution chain or from the Manufacture Defendants, and sell them to end use customers. It is also my understanding that there is no change, modification, or improvement in the accused webcam products in the distribution channel between sale by the Manufacturer Defendants and the sale by the Reseller Defendants of the accused webcam products.

In order to perform an appropriate analysis of the facts of this case and make a determination of the amount of reasonable royalties that would be due and owing Plaintiff relative to each accused product, assuming the 5,855,343 patent (the "'343 patent") is valid and infringed, in my opinion it is necessary to obtain, review and analyze the available sales, costs and profits records for those products, including the sales, costs and profits records from the applicable Retailer Defendants. This is required in order to make a proper determination of the nature and profitability of the accused products embodying the '343 patent.

The primary case guiding patent damages experts in determining reasonable royalties is the *Georgia-Pacific* case<sup>1</sup>. In this case the Court set forth 15 factors commonly referred to as the *Georgia-Pacific* factors.

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<sup>1</sup> *Georgia-Pacific Corp. v. U.S Plywood Corp.*, 318 F. Supp. 116( S.D.N.Y. 1970), modified, 446 F. 2<sup>nd</sup> 295 (2<sup>nd</sup> Cir. 1970), cert. denied, 404 U.S. 870 (1971)

Several *Georgia-Pacific* factors address this issue directly as follows:

- *Georgia-Pacific* Factor # 8: “The established profitability of the product made under the patent; its commercial success; and its current popularity;”
- *Georgia-Pacific* Factor # 10: “ The nature of the patented invention; the character of the commercial embodiment of it as owned and produced by the licensor; and the benefits of those who have used the invention;”
- *Georgia-Pacific* Factor # 11: “ the extent to which the infringer has made use of the invention and any evidence probative of the value of that use;”
- *Georgia-Pacific* Factor # 12: “ The portion of the profit or the selling price that may be customary *in the particular business or in comparable businesses to allow for the use of the invention or analogous inventions;*” and
- *Georgia-Pacific* Factor #13: “The portion of the realizable profit that should be credited to the invention as distinguishable from non-patented elements, the manufacturing process, business risks, or significant features or improvements added by the infringer.”

In order to arrive at an appropriate royalty rate from a Manufacturer Defendant or a Retailer Defendant, one needs as complete an understanding as available of the accused webcam products throughout their stream of commerce in the United States, and above 5 *Georgia-Pacific* factors require a review and analysis of the available retail sales, costs and profits records for the accused webcam products.

I declare that the foregoing is true and correct in my professional opinion.

Respectfully Submitted,



Walter Bratic

March 22, 2010



## WALTER BRATIC

Managing Director  
OverMont Consulting LLC.  
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Houston, Texas 77027  
Phone: (713) 590-2860  
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**Education** M.B.A. Wharton Graduate School, University of Pennsylvania  
B.A. University of Pennsylvania, Phi Beta Kappa  
Summa Cum Laude

**Certifications** Certified Public Accountant, State of Texas 1981  
Certified Licensing Professional, 2008  
Certified Fraud Examiner, 1991  
Certified in Financial Forensics, AICPA 2009

**Professional Affiliations** American Institute of Business Appraisers  
American Society of Appraisers  
American Institute of Certified Public Accountants  
Texas Society of Certified Public Accountants  
Houston Chapter, Texas Society of Certified Public Accountants  
Chairperson, U.S. Licensing Executive Society International Committee  
Intellectual Property Organization, Patent Misuse Committee  
United Nations/Economic Commission for Europe, Group of Experts on Enforcing Intellectual Property Rights for the Commonwealth of Independent States  
Editorial Board of the Journal of Commercial Biotechnology, London, England  
Associate Editor of the Journal of Biotechnology Applications  
Editorial Board of Managing Intellectual Property  
Lecturer on trademarks/trade secrets/Lanham Act at University of Houston Law School 2001-2009  
Lecturer on financial reporting, cost accounting, and management accounting topics

**Professional History**

9/1/08–Present Managing Director, OverMont Consulting LLC

9/1/08–3/10 Senior Consultant, Charles River Associates

2004–08/31/08 Vice President, Charles River Associates

1999–2004 Managing Director, InteCap, Inc.

1998–1999 Partner, PricewaterhouseCoopers LLP  
Global Director/Partner—Intellectual Property Services for the Financial Advisory Services Practice

1983–1998 Partner, Price Waterhouse LLP  
U.S./European Director—Intellectual Property Services for the Corporate Finance Reorganization and Disputes Practice, 1996–1998  
Senior Manager, 1985–1989  
Manager, 1983–1985; Senior Consultant, 1983

1981–1983 CFO and Treasurer, Advanced Energy Supply Company

1980–1981 Arthur Andersen

1978–1979 Ernst & Whinney

**Range of Industry Experience****Industry Experience Includes:**

- Aviation
- Agriculture
- Automotive
- Biotechnology
- Broadcasting/Media
- Chemicals
- Commercial Real Estate
- Computer Software & Hardware
- Construction
- Consumer Products
- Electronic Commerce
- Energy
- Entertainment, Gaming, & Hospitality
- Film Production/Distribution
- Financial Institutions
- Consumer & Commercial Financial Institutions
- Health and Beauty Aids
- Health Care and Life Sciences
- High Technology
- Insurance
- Investments
- Leasing
- Manufacturing
- Medical Devices/Procedures
- Mining/Extraction
- Oil & Gas
- Pharmaceuticals
- Publishing
- Restaurant/Food Distribution
- Retailing & Wholesaling
- Software
- Telecommunications
- Transportation & Distribution
- Veterinary/Livestock
- Vitamins, Mineral, Health Supplements

## Examples of Business Experience

### Intellectual Property

- Extensive experience in a variety of intellectual property issues involving patents, trademarks, trade dress, copyrights, trade secrets and know how. Have worked on assignments relating to strategic management, licensing, litigation and competition issues related to IP matters.
- Testified in federal and state court, ITC, AAA, IAA and ICC matters involving a broad range of IP topics including industry structure, licensing and practices. Also testified regarding damages related issues including lost profits, reasonable royalties, price erosion, competition and related topics. Subject matter has involved patents, trademarks and trade dress, copyrights and trade secrets. Testified regarding competition issues and the impact of the form and structure of patent license terms on technology innovation. Testified regarding product and geographical market definition related to patent and antitrust damages. Served as court appointed expert, examiner and consultant in federal and state court proceedings.
- Conducted extensive studies in strategic management of intellectual property for corporate clients including multinational, international, joint ventures, and start-up and development stage companies. Work performed included research and analysis regarding industry dynamics and IP management practices and evaluation of corporate IP strategies relating to invention/innovation cycles, license-in/license-out policies, buy/sell strategies, portfolio optimization, license enforcement and overall offensive and defensive IP strategies.
- Negotiated licenses and assisted clients in license negotiations and technology transfer projects. Determined appropriate compensation package, including royalty payments, based on the proposed structure and terms of the license agreement for the subject technology. Performed empirical studies associated with the subject technology's financial performance, industry practices and investment strategies. Reviewed and analyzed the terms and conditions of several thousand license agreements. Performed royalty compliance audits.
- Conducted auction process for sale of IP portfolios. Work included valuation of IP assets, identification of potential acquirers, preparation of IP offering circular and managing the auction process to completion. Involved in projects related to securitization of IP rights and related income streams.
- Analyzed and studied various industry standard setting bodies, practices and related license issues affecting standards adoption and innovation. Analyzed technology adoption and commercialization trends in the context of standard setting and patent pools.
- Industry focus has included, among others, energy, software and operating systems, semiconductors, life and health sciences (pharmaceutical, biotechnology, medical devices/procedures), semiconductors, high-end and consumer electronics, chemicals, computers, telecommunications and internet based services including various aspects of e-commerce, including retail, advertising, consumer tracking activities, etc.
- Analyzed and traced R&D spending and other contributions made by parties to the development of inventions in a variety of industries including biotech and pharma, semiconductors, and consumer and electronics.

### Enterprise Resource Planning

- Involved in numerous projects relating to design, implementation and performance of ERP systems involving the entire range of corporate performance and management from procurement, inventory and manufacturing controls to integrated financial reporting and planning for execution of system objectives.

**Energy/Mining**

- Involved in various oil and gas and alternate energy technology projects. Performed valuation and strategic studies regarding new and emerging energy technologies including advanced oil and gas recovery and production techniques and alternate energy sources. Testified in patent and trade secret cases involving valuation and licensing of new and emerging energy technologies. Assisted in and engaged in licensing activities relating to energy technologies.
- Performed analyses relating to well stimulation/well enhancement technologies, including hydraulic and matrix fracturing. Also analyzed secondary and tertiary recovery techniques for well enhancement. Analyzed drilling techniques such as directional and horizontal drilling for conventional on shore and offshore applications as well as for shale and coalbed seam gas reservoir production. Valued the manufacturing operations of a coiled tubing company which supplied tubing to the oil industry.
- Involved in licensing and valuation of mining technologies.

**Bio/Pharma**

- Involved in numerous projects for pharmaceutical and biotechnology companies involving chemical compounds, biologics and recombinant therapies and treatment regimens for multiple indications. Performed valuations of companies as well as specific drugs and patents. Valued and analyzed various indications in different stages of FDA clinical trials. Assisted clients in strategy, valuation and licensing projects involving IP rights related to proprietary technology. Also quantified damages related to patent infringement matters and co-ownership rights and development agreements. Studied terms of co-development and co-marketing agreements and made recommendations to improve client economics.
- For various treatment indications studied effects of on-and-off label usage on adoption rates and impact on ANDA applications. Performed extensive studies of R&D funding (through NIH and under collaboration agreements) and analyzed lead times for next generation treatment regimens given FDA approval time line and impact on competitive market share. Studied the potential effects of march in rights on licensing of biopharma technology.
- Performed studies of the nutraceuticals (vitamins, minerals, supplements "VMS") industry including analysis of product manufacture, sourcing, packaging, labeling and distribution. Also analyzed profit margins and performed valuations of companies in this industry. Also performed studies regarding licensing practices in the VMS industry.

**Examples of biotech/pharma and related subject matters:**

- |                                 |                                |
|---------------------------------|--------------------------------|
| • Advanced Macular Degeneration | • Genetically Modified Crops   |
| • Allergic Rhinitis             | • Genomic Mapping              |
| • Ankylosing Spondylitis        | • Hereditary Emphysema         |
| • Asthma                        | • Human Growth Hormone         |
| • Blood Clotting                | • Human Insulin                |
| • Cholesterol Reduction         | • Immuno-toxins/Immuno-therapy |
| • Colitis                       | • Oncology                     |
| • Crohn's Disease               | • Otitis Media                 |
| • Coronary Heart Disease        | • Psoriasis                    |
| • Diabetes Management           | • Receptors/Inhibitors         |

- Rheumatoid Arthritis
- Sepsis/Stroke/Brain Injury
- Tissue Plasminogen Activators
- Tissue Regeneration

### **Broadcast Media/Data Storage/Data Transfer**

- Involved in broadcast rights relating to radio, TV, cable, satellite, and internet content. Rights have included sports, news, education programming relating to professional development, and career training.
- Involved in IP projects relating to valuation and licensing of technology relating to broadcast storage, distribution and retrieval such as internet, digital satellite, and terrestrial cable related to hardware and software technology for access to distributed content.
- Analyzed and valued network and data storage and transmission hardware and software solutions including internet, Ethernet, and extranet data storage and transmission.

### **Consumer Electronics**

- Performed extensive experience in on a broad array of consumer electronics and components related thereto. Work has involved a broad range of products such as PC's, PDA's, cameras, video gaming systems, printers, copiers, monitors, projection systems, led, LCD and plasma screens, etc. I have analyzed trends related to technology trends and market trends relating to manufacture, introduction, adoption and use and distribution of consumer electronics worldwide.
- Regarding video gaming systems have studied the history and evolution of video console systems over its more than 20 year development including the various console makers and different generation of products and technologies offered. Have studied market share shifts relating to competitor position. Have also studied license agreements and royalty structures for hardware and software. Have studied the development and shift in game graphics from first party to include second and third party games. Have studied the economic structure and profit model of the video gaming systems industry since its inception.

### **Medical Devices/Procedures**

- Involved in licensing, valuation, marketing studies and litigation(breach of contract, patent infringement, theft of trade secrets, etc.) related to medical devices, diagnostic equipment and procedures and surgical supplies and medical equipment related to patient treatment and rehabilitation.

### **Consumer Retail**

- Performed research and analysis of trends in various consumer retail products including consumer electronics, eyewear, apparel, shoes and sports gear and equipment. Valued trademarks and other IP rights for footwear industry. Valued footwear retail operations.

## Integrated Circuits

- Performed extensive analyses and valuation of various aspects of semiconductor technology and semiconductor manufacturing, cleaning and inspection equipment. Analyzed several thousand semiconductor industry licenses regarding term and structure of such licenses and changes in licensing practices in the semiconductor industry. Served as expert and consultant on semiconductor industry licensing practices. Studied evolution and changes in technology, manufacturing and distribution of semiconductors as well as changes in industry capacity. Analyzed commodity and niche chip products, analyzed chipset, module, and motherboard interfaces, packaging including wireless and other configurations to enable data usage, transfer and storage.

## Security/Surveillance/Biometrics

- Performed studies and analyses related to a variety of security and surveillance products ranging from artificial optic technology to various biometric systems including fingerprint, voice recognition, signature, heartbeat and optical technologies. Work performed including valuation of these technologies and studies of industry trends including benchmarking. Also participated in auction process to sell biometric technology for client.

## Software/Copyrights

- Served as court appointed expert appraiser to value proprietary software. Performed analyses relating to patent and copyright software issues for a variety of software and hardware related applications. Performed analyses relating to design specifications for hardware and software applications platforms and systems architecture involving industry specific applications. Analyzed and negotiated software licenses for numerous applications. Performed reverse engineering studies and COCOMO analysis for software applications. Performed studies relating to e-commerce including hardware and software platforms and supply chain management and financial reporting integration. Analyzed and valued software relating to mainframe data storage compartmentalization, compression and voice and data transmission.
- Valued copyrights for a variety of proposals including financing, asset purchases, and securitization.
- Involved in and performed studies of IT systems including requirements definition studies, selection of hardware and software specifications and system implementation and conversion. Also performed studies of the economics associated with the impact of IT systems on operational and financial performance of the subject company.
- Performed numerous valuations and analyzed and determined royalties for software across a number of different applications. Engaged in various projects relating to valuation and licensing of aeronautics and aviation technology, including avionics, propulsion systems, landing gear and instrumentation systems; analyzed the construction, modification and maintenance sectors of the aviation industry.



## Telecommunications

- Performed numerous reviews and analyses of the telecommunications industry. Work performed included studies of wire line and wireless communications systems, including hardware, architecture, administration and related software. Regarding wireless systems, have reviewed and analyzed the adoption of various international protocol standards in the U.S., Europe and Asia (GSM, CDMA, TDMA, G3.0, G3.5, G4.0). Also analyzed data and voice transfer, routing, switching and networking systems, including hardware, architecture, administration and related software required to run such systems. Studied industry dynamics including telecommunications segment market shares by equipment manufacturer, investment rates, profitability and market transactions. Analyzed numerous licenses in the telecom industry. Valued telecom technology and negotiated telecom licenses.
- Performed studies relating to wireless cellular networks including satellite broadcast systems. Analyzed cellular concessions in the US and overseas. Analyzed various satellite based communication networks for radio, television in cellular systems. Analyzed cellular tracking systems for vehicle equipment, and service and repair operations.
- Analyzed the landline and cellular provider and resale agreements including 800 SDN services and master agency agreements.

## Trademarks/Lanham Act/Copyright

- Performed studies of trademark licensing practices and valued trademarks (and portfolios) related to consumer marks including electronics, food, products, services and apparel and industrial products and financial services. Testified regarding various trademark and Lanham Act matters. Assisted clients in negotiating purchase/sale transactions related to trademark portfolios including conducting competitive and complimentary trademark licensing and positioning studies as well as valuation of comparable marks. Performed strategies assessment of trademark portfolio maintenance practices and licensing out strategies.
- Performed studies of corrective advertising and disgorgement of profits and other (FTC) measures of damages relating to trademark and trademark infringement and false designation of origin and false advertising under the Lanham Act. Trademarks analyzed have included consumer and industrial products and services including consumer electronics as well as financial sector and information technology products and services. Analyzed trademark licenses and transactions involving sales of various marks. Also evaluated damages associated with false advertising, false designation of origin and unfair competition claims. Performed analyses relating to customer confusion, corrective advertising and unfair trade practices.
- Performed valuation of copyright portfolios involving software, data management, manuals, process and procedures.

## Other IP Matters

- Analyzed production and distribution costs relating to educational and commercial film rights involving various media
- Involved in and performed studies of IT systems including requirements definition studies, selection of data communication hardware and software specifications and system implementation and conversion. Also performed studies of the economics associated with the impact of IT systems on operational and financial performance of the subject company. Analyzed hardware and software requirements for multi-user configurations including WAN/LAN and internet connectivity.

- Engaged in various IP projects involving consumer products ranging from consumer electronics and food to pet and recreational products. Pet industry work has involved valuation and licensing of IP related to food additives, pet accessories and hygienic products.
- Performed extensive studies in the computer hardware and peripheral sector, including components. Analyzed trends in prices, volume and market share of PC manufacturers and related components including integrated circuits, chip sets, mother boards, etc.
- Involved in a variety of projects relating to the chemical industry including processes, formulation, and compounds. Work included evaluation of lost profits and reasonable royalties, and industry licensing practices. Negotiated licenses and performed valuations relating to chemical processes compounds and formulations.
- Performed numerous analyses regarding valuation and licensing of trade secrets technology, as well as impact on antitrust licensing guidelines.
- Performed studies relating to product liability issues related to electronics components, consumer electronics products and consumer and industrial products. Analyzed economic impact of defective products on manufacturers, retailers and consumers. Performed studies related to cost of settlements and design and implementation of such settlements.

## Subject Area Expertise

### Valuations

Performed valuations of various businesses including minority and control blocks of closely held businesses and marketability discounts. These valuations of businesses and assets include manufacturing, distribution, retail and services sectors, but not limited to, the following:

- |  |   |
|--|---|
| • Agriculture  | • Insurance Agencies/Brokerages   |
| • Biotechnology/Life Sciences                              | • Maritime/Admiralty/Jones Act Matters                                    |
| • Car/Truck Dealerships                                    | • Medical and Professional Practices                                      |
| • Distributorships/Franchises                              | • Mining/Extraction   |
| • Energy (producing and non-producing properties)          | • Patents, Trademarks, Goodwill, Naming Rights, Tradedress and Copyrights |
| • Entertainment  | • Resorts/Recreational/Casinos Properties                                 |
| • Financial Institutions                                   | • Restaurants and Retail Establishments                                   |
| • High-end and Consumer Electronics                        | • Security/Surveillance   |
| • Holding Companies  | • Software  |
| • Hospitals/Nursing Homes/Medical Practices and Facilities | • Transportation  |
| • Income Producing Properties                              | • Telecommunications  |
| • Industrial Gases   | • Waste Disposal  |

## Additional Subject Area Expertise

Mr. Bratic has been engaged in numerous projects involving the subject areas listed below:

- |   |                                       |
|---|---------------------------------------|
| • Alter Ego/Corporate Veil                  | • BOD Representation/Special Projects |
| • Antitrust/Competition                     | • Business Interruption/Extra         |
| • Audit, Accounting and Financial Reporting | • Expense/Betterment                  |
| • Bankruptcy Proceedings                    | • Compensation Studies                |

- Environmental and Natural Resources Damages
- Fiduciary Duty
- Fraud/White Collar Crime
- Leasing/Financial Institution
- Lender Liability
- Lost Profits
- Mergers and Acquisitions
- Personal Injury/Wrongful
- Termination/Wrongful Death
- Product Liability
- Securities Matters

## Recent Speeches

"Economic Damages in Trademark Litigation" *University of Houston Law School*, April 7, 2010.

"Economic Damages in Trademark Litigation" *University of Houston Law School*, November 17, 2009.

"Economic Damages in Trade Secrets Litigation" *University of Houston Law School*, April 23, 2009.

"Economic Damages in Trademark Litigation" *University of Houston Law School*, October 27, 2008.

"Managing Intellectual Assets Hypothetical" Licensing Executive Society Australia Annual Conference, April 19, 2008.

"Patent Damages " George Mason/The University of Texas School of Law, 2008 Advanced Patent Law Institute, Alexandria, Virginia, January 11, 2008.

"Economic Damages in Trademark Litigation" *University of Houston Law School*, October 16, 2007.

"Taking a New Look at Patent Pools: Use and Abuse", "The Subtleties and Complexities of Valuing Emerging Technology" and "Win/Win Strategies for Successful International Technology Collaboration and Exploitation" Institute of Intellectual Property Research and Development, India, August 6-8, 2007.

"Strategic Litigation/Arbitration Considerations in Negotiating and Drafting Global License Agreements" Licensing Executive Society International Conference, June 18, 2007.

"Economic Damages in Trade Secrets Litigation" *University of Houston Law School*, April 26, 2007.

"Win/Win Strategies for Successful International Technology Collaboration and Exploitation" IPTEC-The International Marketplace and Conference for Technology Transfer Professionals, February 2007.

"Economic Damages in Trademark Litigation." *University of Houston Law School*, November 8, 2006.

"The Subtleties and Complexities of Valuing Emerging Technology." Licensing Executive Society Scandinavia Annual Conference, September 2006.

"Determining Economic Damages in Trade Secret Litigation." *University of Houston Law School*, April 13, 2006.

"Emerging Valuation Techniques in Technology Transfer." IPTEC-The International Marketplace and Conference for Technology Transfer Professionals, February 2006.

"Taking a New Look at Patent Pools: Use and Abuse." Licensing Executive Society Annual Conference, October 2005.

"Win/Win Strategies for successful International Technology Joint/Ventures-Partnership." Licensing Executive Society International Conference, June 2005.

"Determining Economic Damages in Trade Secrets Litigation." Continuing Legal Education Program sponsored by the State Bar of Texas, May 19-20, 2005.

"Employing and Circumventing the New Business and Future Damages Rule: How Certain Does Certain Have to Be?" University of Texas School of Law - The Damages Institute, October 2004.

"Damages in Cases Involving Cutting Edge Technologies." Law Seminars International-Calculating & Proving Patent Damages, Reston, Virginia, June 14, 2004.

"Economic Issues in Trademark Damages." University of Houston Law School, April 13, 2004.

"Treatment of IP Related to Standard." Licensing Executive Society 2004 International Conference, Paris, France, March 31, 2004.

"When Good Relationships Go Bad: Managing Default and Termination." American Conference Institute, Advanced Forum on Licensing Intellectual Property, December 9, 2003.

"Evolving Techniques in IP Portfolio Strategies: What Works?" The University of Texas School of Law, 8<sup>th</sup> Annual Advanced Patent Law Institute, Austin, Texas, October 31, 2003.

"Current Topics in IP Licensing and Litigation." Patent Lawyers Club of Washington & Northern Virginia, Reston, Virginia, September 8, 2003.

"Licensing and Competition: FTC/DOJ Views." LES Washington, DC Chapter, Washington, DC, May 2003.

"IP Valuation: Real World Transactions vs. Litigation." General Electric Crotonville IP Practice Group Meeting, Ossining, New York, April 2003.

"IP Valuation: Real World Transactions vs. Litigation." Berkeley Center for Law & Technology and The University of Texas School of Law, 3rd Annual Advanced Patent Law Institute, San Jose, California, December 6, 2002.

"Continuing Evolution of Patent Damages." The University of Texas School of Law, 7<sup>th</sup> Annual Advanced Patent Law Institute, Austin, Texas, November 1, 2002.

"IP Valuation: Real World Licenses v. The Hypothetical License in Litigation." Patent Lawyers Club of Washington & Northern Virginia, Reston, Virginia October 28, 2002.

"Monetizing IP Investments in Early Stage Companies and Start Ups in a Down Economy." Berkeley Center for Law & Technology and The University of Texas School of Law, 2nd Annual Advanced Patent Law Institute, San Jose, California, December 7, 2001.

"Complex IP Valuation and Securitization." The University of Texas School of Law, 6<sup>th</sup> Annual Advanced Patent Law Institute, Austin, Texas, November 2, 2001.

"Intellectual Property Damages in U.S. Litigation." Intellectual Property Forum 2001, London, June 18, 2001.

"Valuing the Trade Secret, Proving the Damages and Getting the Best Award." American Conference Institute, New York, New York, June 7, 2001.

"Advanced IP Valuation Methodologies." Licensing Executives Society 2001 Annual Conference, South Africa, April 30, 2001.

"Evolution of Patent Damages after Rite-Hite and Royalties Under Standard Setting Organizations: What's Fair, Reasonable and Non-Discriminatory?" Association of Corporate Patent Counsel (ACPC) Winter Meeting, Key Largo, Florida, February 6, 2001.

"Do's and Don'ts for Successful International Technology Exploitation." Licensing Executives Society 2000 Annual Meeting, Toronto, Canada, September 11, 2000.

"Convoyed Sales." Patent Section-Bar Association of the City of New York, April 2000.

"Patent Damages, Recent Developments & Emerging Trends." Intellectual Property Owners' Association 1999 Annual Meeting, San Francisco, California, November 15–16, 1999.

"Trade Secret Exploitation Opportunities." Licensing Executives Society 1999 Annual Meeting, San Antonio, Texas, October 27, 1999.

"Strategic Management of Intellectual Property." DuPont 1999 CLE Intellectual Property Law Seminar, Wilmington, Delaware, October 25, 1999.

"Establishing Your Claim For Damages—Proving and Calculating Your Loss." Multi-Jurisdictional Patent Litigation, London, England, September 23–24, 1999.

"Intellectual Property Due Diligence in Business Transactions." Association of the Bar, New York, New York, April 16, 1999.

"Advantages and Economic and Financial Impact of Intangibles: The Importance of Valuation of Intellectual Property." INDECOPI Seminario Internacional sobre Valorización de la Propiedad Intelectual, Lima, Peru, November 19–20, 1998.

"The Real Cost of Counterfeiting." International Anti-Counterfeiting Coalition Conference, Global Anti-Counterfeiting—Black and White and the Big Gray Zone in Between, Santa Monica, California, October 18–20, 1998.

"Successful Licensing/Joint Ventures Strategies: Extending the Lifeline to Development Stage Biotech Companies." Maximizing Genomic Growth Conference, New York, May 1998.

"Value and License Drivers: From the Crossroads to the Monte Carlo Grand Prix." Licensing Executives Society Winter Meeting, Newport Beach, California, February 1998.

"Strategically Managing Your Intellectual Property Portfolio." Intellectual Property Institute for Corporate Counsel Conference, San Francisco, California, January 1998.

"Royalty Rates: What's Reasonable." DuPont Intellectual Property Conference, Wilmington, Delaware, October 1997.

"Management Strategies for Handling IP Assets." InfoNex Intellectual Property Conference, Toronto, 1997.

"Preparing for Software Licensing Negotiations." Licensing Executives Society Mid-Winter Conference, 1997.

"Preparing for License Negotiations." Association of Corporate Patent Counsel Mid-Year Meeting, 1996.

## Publications

"How Patent Pools Can Avoid Competition Concerns." *Managing Intellectual Property*, May 2005.

"Standards Setting Under the Microscope." *Managing Intellectual Property*, October 2004.

"Measuring Intellectual Property Portfolio Performance." A chapter in the book, *From Ideas to Assets*, published by John Wiley & Sons, Inc., Copyright © 2002.

"Emerging Issues in Research Tool Licensing." *Journal of Commercial Biotechnology*, Autumn 2001.

"Trade Secrets and Patents: Comparison and Contrast in Royalty Determination." *Les Nouvelles*, September 2000.

"Software Licensing Strategies." *Austin Software Counsel*, 1996.

"Biotech Valuations." *Biotechnology Conference BIO '96*, 1996.

"Why Trade Secrets Can Be So Valuable." *Les Nouvelles*, December 1999.

"The value of trade secrets." *Managing Intellectual Property*, October, 1999.

"Potentially Devastating Events: How Three Companies Managed and Survived a Crisis." *Corporate Reputation Review*, Henry Stewart Publications, Summer 1999.

"Identify and Convey IP to Reveal True Firm Value." *Hidden Value Profiting from the Intellectual Property Economy*, Euromoney Publications, Summer 1999.

"US University Technology Transfer Trends—A Regional Analysis." *Journal of Commercial Biotechnology*, Autumn 1998.

"What Makes a Biotech Company Valuable?" *Managing Intellectual Property*, November 1998.

"Business Discovers the Value of Patents." *Managing Intellectual Property*, September 1998.

"Accounting for Change: Creating New Strategic Alliances." *Law Governance Review*, Summer 1998.

"Monte Carlo Analyses Aid Negotiation." *Les Nouvelles: Journal of the Licensing Executive Society*, June 1998.

"It's All in Your Head: The Promise of Intellectual Property." *Texas Business Review*, Bureau of Business Research, University of Texas at Austin, June 1998.

"Biotechnology and La Frontera Nueva: Business and Intellectual Property Issues in Latin America." *Journal of Biotechnology in Healthcare: Research and Regulation*, Spring 1998.

"Navigating Through a Biotechnology Valuation." *Journal of Biotechnology in Healthcare: Research and Regulation*.

"Strategic Management of Intellectual Property." *Law Governance Review*, Winter 1998.

"Showing Irreparable Harm During Preliminary Injunction Hearings." *IP Litigator*, March/April 1997.

"Thinking About Intellectual Property: Vast Potential, Management Required." *PW Review*, June 1996.

"Documents and Discovery in Intellectual Property Cases: The Law Works." October 1995.

"Computers and Electronic Spreadsheets." Legal Tech Newsletter, 1986.

*OverMont Consulting LLC, is not a CPA Firm*